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who is summoned in a foreign state must give notice to the principal defendant, in order that such defendant may have an opportunity to come in and defend. And if such notice is not given, payment under the garnishment proceedings will not avail the garnishee as a defense when sued by his creditor. See *Morgan* v. *Neville,* 74 Pa. St. 52. In the principal case, however, a limitation to this rule is announced to the effect that notice is not required when judgment has been obtained in the foreign state after personal service upon the defendant.

HUSBAND AND WIFE—HUSBAND AS WITNESS IN ACTION BY WIFE.—In an action by a husband and wife against the lessor of premises for injuries sustained by the wife in falling on a floor by reason of a latent defect therein, the husband's testimony as to how the injuries were received, was objected to on the ground that he was without interest in the claim. *Held,* that the husband's testimony was properly excluded. *Bianchi et ux* v. *Del Valle* (1906), — La. —, 42 So. Rep. 148.

The old common law rule that parties interested in the suit were not competent to testify against each other, has been abrogated by statute in every state in the Union. But statutory enactments admitting the testimony of parties interested, have not been construed to admit the tesimony of either husband or wife, for or against the other, the exclusion in this case being based upon grounds of public policy. *Gensburg* v. *Morroll,* 105 Ill. App. 213; *Case* v. *Colter,* 66 Ind. 336; *Barber* v. *Goddard,* 9 Gray (Mass.) 71; *Farrell* v. *Ledwell,* 21 Wis. 182. The result is that the competency of the husband or wife to testify in actions brought for or against one or the other, depends entirely upon statutes, no two of which appear to bear much similarity in their provisions. As to whether a party of record without interest in the suit is disqualified from testifying, the weight of authority seems to be to the effect that he is not, although many of the foremost courts, including New York, hold that a party to the record, though free of interest, is not a competent witness. *Steiger* v. *Gross,* 7 Mo. 261; *Entripen* v. *Brown,* 32 Pa. St. 364; *Fox* v. *Whitney,* 16 Mass. 118; *Murphy* v. *Carter,* 23 Gratt. (Va.) 485; *Mark* v. *Butler,* 24 Ill. 567. But generally speaking, in cases where one spouse, though a party to the record, has no interest in the result of the suit and is merely joined for conformity, the other is a competent witness. *Green* v. *Taylor,* 3 Hughes, 400; *Belk* v. *Cooper,* 34 Ill. App. 649; *Gordon* v. *Sullivan,* 116 Wis. 543; *Buckingham* v. *Roar,* 45 Neb. 244. Under the peculiar provisions of the Louisiana Code, either spouse is permitted to testify either for or against the other only when they may be joined as plaintiffs or defendants and have a separate interest. It appearing that the damages when recovered were to become a portion of the wife's separate estate, the husband having no separate interest, his testimony was incompetent.

INSURANCE—MUTUAL BENEFIT ASSOCIATIONS—POWERS OF AGENTS—EXCUSES FOR NON-PAYMENTS OF ASSESSMENTS—FORFEITURE.—Defendant, a fraternal mutual benefit association having a head camp and various local camps throughout the United States, had issued to one S. a benefit certificate subject